

The Court's Copy
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JAMES N. HATTEN, Clerk
By: *John Huber* Deputy Clerk

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

4:10CV189-HLM

Ronnie Joe Van Zant #487112
(Enter above the full name and prisoner
identification number of the plaintiff.)

-vs-

George Stafford Kerr, M.D.
ms. Griffith, P.A.

(Enter above the full name of the defendant(s).)

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with (1) the same facts involved in this action, or (2) otherwise relating to your imprisonment?

Yes No

B. If your answer to A (1) or (2) is yes, describe each lawsuit in the space below and tell us whether the "old" case involves the same facts or other issues. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): Ronnie J. Van Zant

Defendant(s): Whitfield County Detention Center

2. Court (if federal court, name the district; if state court, name the county):
Northern District

3. Docket Number: 4:10-cv-0087-HLM-WET

I. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: unknown

5. Did the previous case involve the same facts?
Yes () No

6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):
Pending

7. Approximate date of filing lawsuit: June or July of 2010

8. Approximate date of disposition: Pending

II. Exhaustion of Administrative Remedies

A. Place of Present Confinement: Central State Prison

B. Is there a prisoner grievance procedure in this institution?
Yes No ()

C. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
Yes () No

D. If your answer is YES:

1. What steps did you take and what were the results?
This suit is not brought against the State Prison system; it is brought against medical staff at a County Jail. And Yes, a grievance procedure was exhausted to no avail - answer, this grievance has no merit - all grievance at the Sci. Jail is answered in the exact words...

2. If your answer is NO, explain why not:
Sci. Jail grievance procedure.

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff(s): Ronnie Joe Vanzent
G.A.O.C. #487112

III. Parties (Cont'd)

Address(es): Central State Prison
4600 Fulton mill Road
macon, GA 31208

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): #1; George Stafford Kerr
#2: ms. Griffith

Employed as #1: Medical Doctor
#2: Physician assistant.

at Whitfield County Detention Center, 805
professional Blvd, Dalton GA 30721

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Claims, one, two, three, four, five and six
are claims of Deliberate Indifference

Claims one; is directed towards Defendant(s)
Kerr and Griffith

Claim two; is directed towards Defendant Kerr

Claim three; is directed towards Defendant Kerr

Claims Four; is directed towards Defendant (s)
Kerr and Griffith

Claim Five; Is directed towards Defendant Griffith

Claim Six; Is directed towards Defendant Kerr

IV. Statement of Claim (Cont'd)

Claim Seven; To be determined by the Courts/Jury
Defendant Kerr misrepresented the facts included
in Plaintiffs Jail medical Records - There were
lies, facts omitted, and opinions stated without
any facts to back them... That ultimately
thwarted Plaintiffs future adequate medical
care within the state prison system.

SEE ATTACHED 8-pages of claims &
FACTS, . . .

V. Relief

State briefly exactly what you want the Court to do for you. **Make no legal arguments.**
Cite no cases or statutes.

ONE: Damages in the amount to be determined
at Trial

Two: A Jury to Try the Case

THREE: Reasonable Cost and attorney fee's

FOUR: Any other relief this court deems
appropriate.

V. Relief (Cont'd)

Signed this 1st day of November, ~~2010~~ 2010

Ronnie J. Van Zant
Signature of Plaintiff

STATE OF Georgia
COUNTY (CITY) OF Macon

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON 11-1-10
(Date)

Ronnie Van Sant
Signature of Plaintiff

* Jurisdictional Venue *

Accordingly, this is a civil action under 42 U.S.C. § 1983 against the defendant(s) who are employees/agency of the County and State of Georgia. Specifically, The Whitfield County Detention Center. And to redress cruel and unusual punishment (8th amendment) inflicted upon Plaintiff in violation of the Due Process (14th amendment) of the United States Constitution.

* FACTS AND RECORDS WILL SHOW *

- 1) The statement, with records and facts, will show at least 7 - claims and grounds that the Defendant Doctor George Stafford Kerr, in his individual Capacity had actual knowledge of Plaintiff's chronic medical disease (seizure disorder), and maliciously and wantonly exhibited deliberate indifference that caused serious bodily injuries to Plaintiff subject to the violation of the 8th amendment. and that...
- 2) The statement, with records and facts, will show at least seven (7) claims and grounds that the Defendant, Physician Assistant, ms. Griffith in her individual Capacity had actual knowledge of Plaintiff's chronic medical disease (seizure disorder), and still maliciously and wantonly exhibited deliberate indifference that caused serious bodily injuries to Plaintiff subject to the violation of the (8th) Amendment of the U.S. Constitution.

IV STATEMENT OF CLAIM W/ GROUNDS

- 3> On or about 4-27-10, Plaintiff was arrested and confined at the Whitfield County Detention Center
- 4> The Defendant(s), whether by contract or paycheck, are employed as agents by the Whitfield County Detention Center as Doctor and Physician Assistant for the medical Department of this said facility
- 5> The Defendant, George Stafford Kerr, M.D., and Defendant, Ms. _____ Griffith, P.A. By and through each other make all the final calls and decisions related to medical care and treatment at this named facility
- 6> Upon initial intake/receiving of Plaintiff's arrest at this said facility, (W.C.D.C.), Plaintiff fully informed the intake duty officer of his seizure disorder and the medications he's on.

NOTICE: Plaintiff's seizure medications consist of 900 mg of nurontin 3x daily.

Claim one: The Defendant(s) had actual Knowledge of Plaintiff's seizure disorder through the medical application of intake, yet still failed to ~~ack~~ acknowledge care and treatment for Plaintiff.

- 7> Soon thereafter, on or about 4-28th or 29th of 2010, in court, via T.V. court, Plaintiff had a seizure

- 8) Due to this seizure, Plaintiff was taken to medical to be evaluated and treated by Defendant, ms. Griffith, P.A. Subsequently, plaintiff was placed on 600mg of nuerontin 3x daily.
- 9) Soon thereafter, on or about 5-2-10, plaintiff's Nuerontin was suddenly, without notification, discontinued, as a substitute without notification, plaintiff was placed on Depakote 3x daily.

CLAIM TWO: The medical decision to order the discontinuation of plaintiff's nuerontin medication and to place him on an alternative medication was done without talking with the patient/plaintiff and without ~~the~~ diagnosis or any pre-notice to plaintiff to see if plaintiff can take said alternate medication. This order had to be signed by Defendant Kerr

- 10) Within a few days of plaintiff taking this Depakote, he broke out into a full body rash.
- NOTE: If the defendant(s) would of took time to either discuss alternative medications or retrieved prior medical records they would of seen the types of medication plaintiff can or can not take
- 11) On or about 10-3 or 4 of 2010 plaintiff put in another \$5.00 sick call request informing medical and the Defendants of the Depakote induced Rash.
- 12) Then on or about 5-6-10, ~~to~~ plaintiff's medication of Depakote was discontinued

and the plaintiff was placed on Dilentan 3x daily.

NOTE: Once again this medication change was done without notification or evaluation to determine its effect or ineffect on plaintiff.

CLAIM THREE: The defendant(s) are now act carelessly in their profession and individual capacity...

The Order to change medications of a patient either prisoner or not, takes some kind of pre-evaluation of the patient/ plaintiff. Plaintiff was not put in jail for these Defendant(s) to experiment on him.

NOTE! Question presented, what is the protocol standards in issuing new alternative medication to a patient?

NOTE: Doctor Kerr, is not a neurologist

13> A few days after taking the Dilentan medication, Plaintiff's eye-site began to deteriorate rapidly. To the point that even large objects where a blurr. And Plaintiff began to have Optical migrans.

14> On 5-10-10 plaintiff initiated another \$5.00 sick call informing the defendant(s) of the new side effects to the dilentan medication - to no avail.

15> The optical migrans and blurred vision got so bad that plaintiff had to refuse this Dilentan.

16) Plaintiff went about a week refusing the Dilantin medication. Then on or about 5-20 to 5-23 of 2010, a female officer from the cell block officer station called out on the cell block intercom giving plaintiff a message from medical that went as follow... Quote, medical says if you write out a statement refusing the jails protocol medications, they can then begin giving me the medications I'm use to taken. Unquote.

NOTE: Plaintiff has witness statements to testify to this statement.

17) Plaintiff did as requested, but soon found out it was a trick maliciously orchestrated by P.A. Griffith.

NOTE: now plaintiff is being denied all medical treatment by the medical department.

CLAIM FOUR: The Defendant(s) by malfeasance of duty, conveniently manipulated plaintiff so they can stop all treatment a care -

18) During the month of June 2010, plaintiff exhausted his grievance procedures direct towards the Defendant(s) for the denial of adequate medical treatment + medications.

19) On or about 6-22-10, plaintiff had another seizure. Plaintiff was brought to medical ~~and~~ purportedly ~~was~~ for the seizure concern, however, P.A. Griffith greeted plaintiff with smiles and said she does not believe plaintiff is having seizures anymore. She said the last records she could fine addressing the seizures disorder was back in 2004. That she need something more recent if plaintiff was going to get any seizure medication from them... She concluded her sermon with "have a nice day" as she walked away.

CLAIM FIVE: Defendant Griffith made a medical decision that was beyond her responsibilities. She had canal knowledge of not only plaintiffs seizures in jail, but also a post history of seizures... yet still denied plaintiffs medication.

- 20> On or about 6-23 or 6-24 of 2010, plaintiff was brought back to the medical Department. However, this time Defendant Kerr addressed plaintiff by stating - I believe your faking and lying about your seizures, and if you complain about these "seizures" anymore, he's going to file criminal charges against plaintiff. ~~Plaintiff~~ Plaintiff was sent back to his cell block
- 21> Then on or about 7-3-10, three inmates jumped plaintiff, beat him up. apparently no injuries serious enough for medical treatment... I was denied medical treatment again. Plaintiff was then moved to another cell block that placed him in a upper level - upper bunk living arrangement
- 22> Plaintiff informed the duty officer of his seizure disorder that demanded a lower level - lower bunk. The duty officer laughed and denied plaintiffs concerns.
- 23> Plaintiff slept on this upper level - upper bunk assignment for two days... and then

24> On or about 9:30 am on 7-5-10, plaintiff had a seizure while going up the steel stairs to his cell. This seizure caused savior injuries that had to have plaintiff transported, via ambulance, to the local Hospital

NOTE: Medical records will show most the injuries.

25> After all the brain scans and x-rays - the tending physician and nurologist decided to place plaintiff on 600mg nurontin 3x daily and Kappa 2x daily for the seizure disorder. Plaintiff was also given pain medication for the injuries and referred to an orthopedic ~~surgeon~~ surgeon.

26> Upon returning at the jail (W.C.O.C.), plaintiff was housed at a lower level-lower bunk assignment.

27> The Defendant(s) still refused to honor the tending Nurologist priscription... plaintiff was only given the Kappa and was denied the nurontin

28> Plaintiff was forced to file another \$5.00 sick call request and ~~an~~ complaint to Captain Lynch before a week later Defendant granted the nurontin medication for the plaintiff.

CLAIM SIX: The Defendant(s), after yet another seizure that caused grave bodily injuries, and a nurologist medical diagnosis and Order, still refused to give plaintiff his seizure medications. for another week - And now the Defendant(s) refused to treat ~~the~~ plaintiff's new injuries.

29> In an abundance, the defendant(s), inmates, and officers of the (W.C.D.C.) ~~as~~ have witnessed at least 3-seizure attack of the plaintiff, this gives the Defendant(s) carnal knowledge - not to mention the Thomasville GA medical records they retrieved, yet still, plaintiff was refused his mandatory seizure medications.

30> The Defendant(s) further made contorted factual statements, lies, and omitted information on plaintiffs institutional medical files of (W.C.D.C.) that is ultimately ~~to~~ thwarting plaintiffs continuous medical care within the GA. D.O.C..

CLAIM SEVEN: The actions described in paragraph - (30) above ~~is~~ is malicious malfeasance, fraudulently preparing plaintiffs medical records, to cause plaintiff future pain and suffering is without a doubt, deliberate indifference.

31> These said medical records prepared by the defendant(s) has followed him to prison and is now hunting him where plaintiff is being challenged to receive his medication for seizures.

CLAIMS = any other this court and jury deems appropriate.